

2004 DEC -9 PM 12:00

 **NEW YORK**  
BOARD OF TRADE®  
World Financial Center  
One North End Avenue, 13<sup>th</sup> Floor  
New York, New York 10282

**BY ELECTRONIC TRANSMISSION**

04-55  
December 9, 2004

Ms. Jean A. Webb  
Secretary of the Commission  
Office of the Secretariat  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21<sup>st</sup> Street, NW  
Washington, DC 20581

Re: **Amendments to Coffee "C" Resolution No. 1 and Cocoa Resolution No. 5 -  
Submission Pursuant to Section 5c(c)(1) of the Act and Regulation 40.6**

Dear Ms. Webb:

Pursuant to Section 5c(c)(1) of the Commodity Exchange Act, as amended, and Commission Regulation 40.6, the Board of Trade of the City of New York, Inc. ("Exchange") submits, by written certification, amendments to Coffee "C" Resolution No. 1 and Cocoa Resolution No. 5, attached as Exhibit A, which clarify the conditions and remedies for maintaining areas outside a warehouse free of conditions that may lead to a build-up of pest problems. The language, as currently written, in Paragraph II(5) of both Resolutions does not give much guidance to a warehouse operator with respect to maintaining areas outside a warehouse free of such conditions.

The Exchange certifies that the amendments comply with the requirements of the Commodity Exchange Act and the rules and regulations promulgated thereunder.

The amendments were adopted by the Exchange's Board of Governors on December 8, 2004. The amendments will become effective on December 10, 2004. No substantive opposing views were expressed by members or others with respect to the amendments.

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If you have any questions or need further information, please contact me at [jfassler@nybot.com](mailto:jfassler@nybot.com) or 212-748-4084.

Sincerely,

Jill S. Fassler  
Vice President  
Associate General Counsel

cc: Riva Adriance  
Thomas Leahy  
CFTC, Division of Market Oversight  
Allen Cooper  
CFTC, New York Regional Office

(In the text of the amendments below, additions are underlined and deletions are bracketed and lined out.)  
**[Coffee] No. 1. Warehouse Procedures and Recordkeeping Requirements for the Storage of Exchange Coffee**

RESOLVED, THAT the following are the minimum acceptable standards and procedures to be followed by Exchange licensed coffee warehouses in connection with the storage of Exchange-certified Coffee.

\* \* \*

**II. Housekeeping Practices**

\* \* \*

5. It shall maintain outside areas free of conditions which may result in a buildup of pest problems, including, but not limited to, all outside loading and unloading areas as well as the grounds around the warehouse.

These conditions include, but are not limited to:

A. Litter and waste [~~shall~~] which must be deposited in and secured in containers with tight fitting covers.

B. Uncut vegetation [~~{} which must be no~~] higher than four (4) inches within [~~property line up to~~] thirty (30) feet [~~perimeter~~] of the building line.

C. Improper or inadequate drainage.

[REMAINDER OF RESOLUTION UNCHANGED]

**[Cocoa] No. 5. Warehouse Procedures and Record Keeping Requirements for the Storage of Exchange Cocoa**

RESOLVED, THAT following are the minimum acceptable standards and procedures to be followed by Exchange licensed Cocoa warehouse in connection with the storage of Exchange Cocoa.

\* \* \*

**II. Housekeeping Practices**

\* \* \*

5. It shall maintain outside areas free of conditions which may result in a build-up of pest problems, including, but not limited to, all outside loading and unloading areas as well as the grounds around the warehouse.

These conditions include, but are not limited to:

A. Litter and waste [~~shall~~] which must be deposited in and secured in containers with tightly fitting covers.

B. Uncut vegetation [~~{} which must be no~~] higher than four (4) inches within [~~property line up to a~~] thirty (30) feet [~~perimeter~~] of the building line.

C. Improper or inadequate drainage.

[REMAINDER OF RESOLUTION UNCHANGED]

**EXHIBIT A**